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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,683	08/31/2001	Marco Winter	PD990013	2352

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EXAMINER

SHIBRU, HELEN

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/914,683	<b>Applicant(s)</b> WINTER ET AL.	
	<b>Examiner</b> HELEN SHIBRU	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. The amendments, filed on 03/17/2006, have been entered and made of record.

Claims 1-7 are pending.

***Response to Arguments***

2. Applicant's arguments, filed on 03/17/2006 with respect to claim 1 have been fully considered and are persuasive. Therefore the rejection under 35 U.S.C 102(b) as being anticipated by Iitsuka (U.S. Patent No. 5,414,686) of claims 1, 2 and 4 has been withdrawn.

3. Regarding the Applicant argument in that the cited reference of Chung (EP 0953 977 A1) being improper 102(b) reference, the Examiner agrees. However, it is to be noted that the reference can be properly applied as a 102(a), and since as indicated in the previous Office Action all the claimed limitations are disclosed in the present reference of Chung and the body of the rejection is not changed as compared to the previous Office Action, the instant Office Action is properly made FINAL.

Note that the Applicant does not argue in the remark that Chung fails to disclose any of the limitations recited in the claimed invention.

See the ground of rejections set forth below.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-2 and 4-7 are rejected under 35 U.S.C. 102(a) as being anticipated by Chung (EP 0953 977A1).

Regarding claim 1, Chung discloses method for recording real-time files containing real-time data, wherein real-time file attributes are permanently assigned to the real-time files and are concomitantly recorded together with the real-time files, the real-time file attributes describing hardware independent real-time requirements of the real-time files during a real-time file transfer for playback of the real-time files, wherein at least the following real-time file attributes are provided (see paragraph 0087-0091 and fig. 3A-3D):

a) a guaranteed minimum transfer rate during the real-time file transfer (see paragraph 0097, 0094, and 0107-0110), b) a maximum transfer rate during the real-time file transfer (see paragraph 0094 and 0097), c) a buffer store size used during the real-time file transfer, and that rules for recording the real-time files are derived from the real-time file attributes in order to ensure that the real-time properties of the real-time files are preserved during the recording process (see paragraph 0094-0097).

Regarding claim 2, Chung discloses a fragmented recording of the real-time files the sizes of the file fragments and the distances between the file fragments are chosen in such a way that the real-time file transfer can be performed with the guaranteed minimum transfer rate during the entire real-time file transfer without any underflow of the buffer store (see paragraph 0098-0109, 0113-0118).

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Regarding claim 4, Chung discloses the real-time file attributes are combined in a data block and such a data block is assigned to a real-time file (see paragraph 0090 and 0098-0105).

Regarding claim 5, Chung discloses the data block is stored in UDF as Extended Attribute in a File Entry or in a System Stream assigned to the real-time file (see paragraph 0087 and 0091).

Regarding claim 6, Chung discloses the real-time file is assigned a fixed area in the useful data area for the real time file attributes (see paragraph 0091-0093).

Regarding claim 7, Chung discloses the real time file attributes are contained in an MPEG private stream (see paragraph 0107-0110).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of Nordling (US Pat No. (5,943,391).

Regarding claim 3, claim 3 differs from Chung in that the claim further requires a version number is provided as a further real-time file attribute. Although Chung does not specifically teach the version number provided as a further file attribute, Chung discloses real time file attribute information is stored in an information file having an RTRW format named RTRW\_TS.IFO (see paragraph 0089-0090). Chung further teaches real time file indication information (see paragraph 0092-0093).

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In the same field of endeavor Nordling discloses a computer system comprising a plurality of user computers. Nordling further discloses a storage device that stores a real-time data file (see col. 4 lines 10-20). Nordling further discloses the real-time data file includes version number (see fig. 6 and col. 1-22). Therefore in light of the teaching in Nordling it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chung by providing a version number in order to determine the performance of the system.

### *Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibu  
March 25, 2006



THAI TRAN  
PRIMARY EXAMINER